

## RGM-10

**MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) ACT 1990****INSTRUMENT OF VARIATION AND ADDITION OF LICENCE CONDITIONS**

LICENCE TYPE	Mining Licence
LICENCE NUMBER	5189
NAME OF LICENSEE	1. AGL LYP 3 Pty Ltd 2. AGL LYP 1 Pty Ltd 3. AGL LYP 2 Pty Ltd 4. AGL LYP 4 BV
ADDRESSES OF LICENSEES	1. Level 22. 101 Miller Street North Sydney NSW 2060. 2. Level 22. 101 Miller Street North Sydney NSW 2060. 3. Level 22. 101 Miller Street North Sydney NSW 2060. 4. Level 22. 101 Miller Street North Sydney NSW 2060.
AREA (IF RELEVANT)	4834 hectares
DATE OF INSTRUMENT APPROVAL	
GENERAL NATURE AND PURPOSE OF INSTRUMENT	To vary the Schedule of Conditions and add a new condition 1A – Risk Management.
STRATUM OF LAND (IF RELEVANT)	Not applicable

I, Lily D'Ambrosio, Minister for Energy and Resources acting under section 34 of the Mineral Resources (Sustainable Development) Act 1990 and all enabling provisions thereto, hereby vary the Schedule of Conditions to Mining Licence No. 5189 ('Schedule of Conditions') as outlined in Table 1 below and add a new condition 1A to the Schedule of Conditions as outlined in Attachment 1.

**Table 1 – Variations to Schedule of Conditions**

<b>Current reference</b>	<b>Variation</b>
All references to 'Mineral Resources Development Act 1990'.	Delete 'Development' and insert (Sustainable Development)
All references to 'MRD Act'.	Replace with 'MRSD Act'.
All references to 'Chief Administrator'	Replace with 'Secretary of the Department of Economic Development, Jobs, Transport and Resources'.
All references to 'his delegate'	Delete 'his'.
All references to 'Mineral Resources (Royalties) Regulations 1991'.	Delete '(Royalties) Regulations 1991' and insert (Sustainable Development) (Mineral Industries) Regulations 2013.
All references to 'Mineral Resources (Health and Safety for large Open-cut Mines) Regulations 1995'	Delete '(Health and Safety for large Open-cut Mines) Regulations 1995' and insert (Sustainable Development) (Mineral

	Industries) Regulations 2013.
Condition 1.2 - Reference to 'Executive Director, Minerals and Petroleum of the Department of Natural Resources and the Environment'.	Delete 'Minerals and Petroleum of the Department of Natural Resources and the Environment' and insert 'Earth Resources Regulation of the Department of Economic Development, Jobs, Transport and Resources (DEDJTR)'
Condition 1.2 - Reference to 'Schedule 14 of the MRD Act'	Replace with 'Schedule 15 of the Mineral Resources (Sustainable Development)(Mineral Industries) Regulations 2013'.
Condition 1.3 - Reference to 'Department of Natural Resources and the Environment (DNRE)'	Delete 'Natural Resources and the Environment (DNRE)' and insert 'DEDJTR'.
Conditions 1.5, 3.2(a) and 20.1 - Reference to 'DNRE'	Replace with 'DEDJTR'.
Condition 2.2 - Reference to 'Inspector of Mines'	Replace with 'Inspector under the MRSD Act'
Condition 3.1 - Reference to 'Department of Natural Resources and the Environment'	Delete 'Natural Resources and the Environment' and insert 'Environment, Land, Water and Planning' (DELWP).
Condition 4.5 - Reference to 'Country Fire Authority'.	Replace with 'Chief Officer (or delegate) of the Country Fire Authority (CFA)'.
Condition 4.5 - Reference from '...Forest Fire Regulations 1992 require the provision...' to '...engine powered equipment'.	Replace with 'requirements of the Forests (Fire Protection) Regulations 2014 apply'
Condition 4.6 - Reference to 'DNRE'	Replace with 'DELWP'.
Condition 7.1 - Reference to 'Water Act 1989'	After '1989' insert '(or any successor legislation'.
Condition 7.2 - Reference to 'an Inspector'	Replace with 'the Chief Inspector under the MRSD Act (hereinafter referred to as the Chief Inspector)'
Condition 7.5 - Reference to 'an Inspector'	Replace with 'the Chief Inspector'
Condition 15.2 - Reference to 'an Inspector of Mines'	Replace with 'the Chief Inspector'
Conditions 17.1 and 18.2 - Reference to 'Department of Natural Resources and the Environment'.	Delete 'Natural Resources and the Environment' and insert 'DELWP'.
Condition 17.2 - Reference from '...following provisions of the..' to '...Telephone (03) 9412 7498)	<p>Replace with '...Aboriginal Heritage Act 2006 (or any successor legislation):</p> <p>Section 24(2) The person must report the discovery to the Secretary as soon as practicable unless, at the time of making the discovery, the person had reasonable cause to believe that the Register contained a record of the place or object.; and</p> <p>Section 27(1) A person is guilty of an offence if the person knowingly does an act that harms Aboriginal cultural heritage and at the time the act was done the person knew that the thing harmed was Aboriginal cultural heritage.'</p>
Condition 18.2 - reference to 'an Inspector'	Replace with 'the Chief Inspector'
Condition 21.2 - Reference to 'the act'	Replace with 'MRSD Act'.

The Schedule of Conditions as changed by this instrument is set out in Attachment 2.



**Hon Lily D'Ambrosio MP**  
Minister for Energy and Resources

Date: 20-1-15

**Date of Variation**

Date of Registration ___ / ___ / ____ Time of Registration ___ : ___ am/pm
TENEMENTS REGISTRATION OFFICER MRSDA 1990 (Section 69)

## ATTACHMENT 1

**1A RISK MANAGEMENT**

## 1A.1 Definitions:

'Department Head' bears the same meaning as that term is defined in section 4(1) of the MRSD Act.

1A.2 The licensee shall conduct a risk assessment and submit a risk assessment and risk management plan in accordance with condition 1A.4 (**Risk Assessment and Management Plan**) by 31 October 2015.

1A.3 The licensee shall appoint an independent expert or independent experts to assist it prepare the Risk Assessment and Management Plan. The expert or experts shall have appropriate expertise in all facets of the Risk Assessment and Management Plan, including mine safety and fire prevention, mitigation and suppression. For the avoidance of doubt, the term 'independent' in this section means, not an employee of the licensee or any of its related bodies corporate.

1A.4 The Risk Assessment and Management Plan shall:

- (a) assess the risk (likelihood and consequence) to the environment and public safety from the work done or proposed to be done under the licence, including but not limited to the prevention, mitigation and suppression of fire entering or breaking out in the licensed area;
- (b) review the following licensees' documents in effect when preparing the Risk Assessment and Management Plan;-
  - (i) the 'Mine Fire Service Policy and Code of Practice'
  - (ii) any mine emergency plan;
  - (iii) any crisis management and communication strategy;
  - (iv) any ground control plan; and
  - (v) any other relevant policy, code or plan.
- (c) detail quantifiable risk control standards to be achieved so as to protect the environment and public safety;
- (d) identify the most reasonably practicable effective actions to manage the risk(s) identified under condition 1A.4(a) as well as the requirements of condition 4.5 and condition 15 so as to protect the environment and public safety, to the standards listed under condition 1A.4(c); and
- (e) set milestones for completing the actions identified in condition 1A.4(d).

- 1A.5 The Risk Assessment and Management Plan must be to the satisfaction of the Department Head such that it incorporates all of the matters required and will achieve the outcomes specified in 1A.4. If the Risk Assessment and Management Plan submitted to the Department Head is not to the satisfaction of the Department Head, the licensee must, no later than two months (or later period as agreed by the Departmental Head) after the Department Head has by notice in writing notified the licensee of the reasons why it is not to his or her satisfaction, submit a revised Risk Assessment and Management Plan that addresses those reasons and is to the satisfaction of the Department Head.
- 1A.6 No later than three months after the approval of the Risk Assessment and Management Plan by the Department Head, the licensee shall submit to Department Head a work plan variation application in order to incorporate into the work plan for the licensed area any work required by the Risk Assessment and Management Plan, and any other plan, condition, policy, strategy or code of practice as provided for/approved by the Department Head in/under condition 1A.4.
- 1A.7 The licensee shall provide to the Department Head a statement of compliance in respect of each period of 12 months ending on 30 June within three months after the end of the period to which it relates. The statement of compliance must detail the progress in implementing actions in the Risk Assessment and Management Plan as well as compliance with the requirements of this licence and any approved work plan. The statement of compliance must be certified by the Chief Executive Officer (or delegate).
- 1A.8 The licensee shall review the Risk Assessment and Management Plan:
- a) every 3 years on or before 31 October;
  - b) when requested to do so by the Departmental Head; or
  - c) within three months of a Reportable Event described in section 41AB of the MRSD Act whichever is the earlier.
- 1A.9 On making a request that the licensee review the Risk Assessment and Management Plan under section 1A.8 (b), the Departmental Head must give the licensee notice in writing and state the reasons for it, and give the licensee an opportunity to comment.
- 1A.10 A review conducted under condition 1A.8 shall comply with the conditions 1A.4, 1A.5 and 1A.6.

## ATTACHMENT 2

## SCHEDULE OF CONDITIONS

**1. WORK PLANS AND ENVIRONMENTAL MANAGEMENT**

- 1.1 Work shall be carried out in accordance with the approved work plan, (incorporating a rehabilitation plan) as amended from time to time in accordance with the *Mineral Resources (Sustainable Development) Act 1990* (MRSD Act). Where any inconsistency occurs between the work plan and other licence conditions or regulations, the licence conditions and regulations have precedence.
- 1.2 The licensee shall, within 60 days of being requested by the Executive Director, Earth Resources Regulation of the Department of Economic Development, Jobs, Transport and Resources (DEDJTR), submit a report on the status of work as per Schedule 15 of the *Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2013* (MRSD Regulations).
- 1.3 An Environmental Review Committee (ERC) shall be formed, comprising appropriate representatives from DEDJTR, representatives of the licensee, the Environment Protection Authority, the responsible water authority and a representative of the Minister responsible for the *Water Act 1989*, the Latrobe Council and any other relevant agency with an interest or control over the site or operations. The community shall also be represented, with nominations to come from the Latrobe Council. Up to two community representatives may be selected for renewable fixed terms. The ERC shall be convened at least once in every 6 months to review environmental effects of the project.
- 1.4 Results of environmental monitoring conducted under the Environmental Monitoring Program (EMP) shall be regularly reported to the ERC in a format agreed to by the Committee to enable it to assess environmental performance.
- 1.5 The ERC may from time to time recommend variations to the EMP and licence conditions where appropriate. Any variations to the EMP as accepted by the licensee and DEDJTR shall be registered as a variation to the work plan and shall be implemented.

## 1A RISK MANAGEMENT

### 1A.1 Definitions:

‘Department Head’ bears the same meaning as that term is defined in section 4(1) of the MRSD Act.

1A.2 The licensee shall conduct a risk assessment and submit a risk assessment and risk management plan in accordance with condition 1A.4 (**Risk Assessment and Management Plan**) by 31 October 2015.

1A.3 The licensee shall appoint an independent expert or independent experts to assist it prepare the Risk Assessment and Management Plan. The expert or experts shall have appropriate expertise in all facets of the Risk Assessment and Management Plan, including mine safety and fire prevention, mitigation and suppression. For the avoidance of doubt, the term ‘independent’ in this section means, not an employee of the licensee or any of its related bodies corporate.

1A.4 The Risk Assessment and Management Plan shall:

- (b) assess the risk (likelihood and consequence) to the environment and public safety from the work done or proposed to be done under the licence, including but not limited to the prevention, mitigation and suppression of fire entering or breaking out in the licensed area;
- (b) review the following licensees’ documents in effect when preparing the Risk Assessment and Management Plan;-
  - (i) the ‘Mine Fire Service Policy and Code of Practice’
  - (ii) any mine emergency plan;
  - (iii) any crisis management and communication strategy;
  - (iv) any ground control plan; and
  - (v) any other relevant policy, code or plan.
- (c) detail quantifiable risk control standards to be achieved so as to protect the environment and public safety;
- (d) identify the most reasonably practicable effective actions to manage the risk(s) identified under condition 1A.4(a) as well as the requirements of condition 4.5 and condition 15 so as to protect the environment and public safety, to the standards listed under condition 1A.4(c); and
- (e) set milestones for completing the actions identified in condition 1A.4(d).

1A.5 The Risk Assessment and Management Plan must be to the satisfaction of the Department Head such that it incorporates all of the matters required and will achieve the outcomes specified in 1A.4.

If the Risk Assessment and Management Plan submitted to the Department Head is not to the satisfaction of the Department Head, the licensee must, no later than two months (or later period as agreed by the Departmental Head) after the Department Head has by notice in writing notified the licensee of the reasons why it is not to his or her satisfaction, submit a revised Risk Assessment and Management Plan that addresses those reasons and is to the satisfaction of the Department Head.

- 1A.6 No later than three months after the approval of the Risk Assessment and Management Plan by the Department Head, the licensee shall submit to Department Head a work plan variation application in order to incorporate into the work plan for the licensed area any work required by the Risk Assessment and Management Plan, and any other plan, condition, policy, strategy or code of practice as provided for/approved by the Department Head in/under condition 1A.4.
- 1A.7 The licensee shall provide to the Department Head a statement of compliance in respect of each period of 12 months ending on 30 June within three months after the end of the period to which it relates. The statement of compliance must detail the progress in implementing actions in the Risk Assessment and Management Plan as well as compliance with the requirements of this licence and any approved work plan. The statement of compliance must be certified by the Chief Executive Officer (or delegate).
- 1A.8 The licensee shall review the Risk Assessment and Management Plan:
- d) every 3 years on or before 31 October;
  - e) when requested to do so by the Departmental Head; or
  - f) within three months of a Reportable Event described in section 41AB of the MRSD Act whichever is the earlier.
- 1A.9 On making a request that the licensee review the Risk Assessment and Management Plan under section 1A.8 (b), the Departmental Head must give the licensee notice in writing and state the reasons for it, and give the licensee an opportunity to comment.
- 1A.10 A review conducted under condition 1A.8 shall comply with the conditions 1A.4, 1A.5 and 1A.6.

## **2. FENCING AND SECURITY**

- 2.1 Where public access is a safety hazard within the mining licence, the licensee must fence and signpost the area to ensure public safety is maintained.
- 2.2 When directed by an Inspector under the MRSD Act (hereinafter referred as an Inspector), a fence or fences shall be erected around specified work site areas to a written specification which may include



time limits. Gates of a similar standard shall be provided when directed. Gates and fences shall be maintained during the term of the licence to the satisfaction of an Inspector.

### **3. ROADS**

3.1 Internal roads additional to those shown in the working plan shall be sited as approved or directed by an Inspector after consultation with the Department of Environment, Land, Water and Planning (DELWP) in the case of Crown land.

3.2 Subject to the approval of the Mine Manager and appropriate site induction any such road may be used:

- (a) officers of or persons authorised by the DEDJTR or employees or persons engaged in fire control. (Mine Managers approval not required by authorised fire fighters in an emergency provided they are under the supervision of a mine employee).
- (b) for the extraction of forest produce or for mining purposes by any other licensee under the MRSD Act or *Forests Act 1958* (or any successor legislation) under such conditions as may be determined by agreement between the parties concerned; and
- (c) by the landowners or their agents where the licence covers private land.

3.3 The licensee shall ensure that all internal roads are properly formed, drained, surface treated and maintained to the satisfaction of an Inspector and that any dust nuisance originating from use of the roads by the licensee shall be controlled to the satisfaction of an Inspector.

### **4. SURFACE DISTURBANCE**

4.1 The area of surface disturbance must be kept to a minimum.

4.2 Adequate provision shall be made for the separate stockpiling or immediate utilisation for rehabilitation of any soils. These materials, if stored, are to be stored in neat and tidy dumps not exceeding 2 metres in height and such dumps are to be protected from erosion.

4.3 No area shall be opened up for exploration, mining and ancillary operations, except where approved as part of the approved work plan.

4.4 Where the licence covers Crown land, all surface activity may be subject to compliance with the *Forests Act 1958* and Regulations.

4.5 Where the licence covers private land, such fire- fighting equipment and appliances shall be kept on site in working order as may be required by the Chief Officer (or the delegate) of the Country Fire Authority (CFA). With respect to public land, the requirements of the *Forests (Fire Protection) Regulations 2014* apply.

4.6 Burning of any timber at the site shall be done in accordance with any requirements of the Local Municipality, DELWP and the Country Fire Authority.

## **5. DRAINAGE AND DISCHARGE CONTROL**

5.1 Any discharges from the licence area shall be minimised and any water discharged must be as free as possible of pollutants, save as provided by any licence issued pursuant to the *Environment Protection Act 1970*.

5.2 All discharges shall meet the standards required under the State Environment Protection Policies under the *Environment Protection Act 1970*.

5.3 Sediment retention structures, including dams, shall be constructed in accordance with the approved work plan. An Inspector may also direct such works to be undertaken, where necessary, to control drainage from any disturbed area.

5.4 Rainfall and other natural waters shall be diverted away from works area so as to control erosion, pursuant to Condition 7. However, such works shall, as far as practicable, not cause undue alteration to the general drainage pattern beyond the licensed area.

## **6. TAILING DAMS**

6.1 All proposed work associated with the construction of tailing dams or other tailing impoundment areas, shall be subject to written approval by the Secretary of the Department of Economic Development, Jobs, Transport and Resources (or the delegate) following certification by an approved geotechnical engineer.

## **7. GROUNDWATER**

7.1 Any aquifer dewatering and/or depressurisation must be carried out in accordance with the conditions specified in the Groundwater Licence issued by the Minister responsible for the *Water Act 1989* (or any successor legislation).

7.2 A monitoring program consistent with the programs previously carried out by the State Electricity Commission of Victoria and Generation Victoria to determine the impacts of

dewatering/depressurisation both on site and regionally must be maintained to the satisfaction of the Chief Inspector under the MRSD Act (hereinafter referred to as the Chief Inspector) and the responsible Minister under the *Water Act 1989* or delegate.

The licensee shall ensure that results of the monitoring program are reported to the responsible Minister under the *Water Act 1989* or delegate and the Environmental Review Committee annually and at whatever times required by the Groundwater Licence.

- 7.3 In the event that the monitoring program in 7.2 indicates material adverse impacts beyond those evident at the date of issue of the licence which are attributable to the dewatering/depressurisation by the licensee after the date of issuing of the licence then the licensee must institute such appropriate remedial action as may be required by an Inspector and the responsible Minister under the *Water Act 1989* or delegate to ameliorate these effects, proportionate to the licensee's contribution.
- 7.4 For the purposes of 7.3 material adverse impacts comprise effects on aquifers in the Latrobe Valley such that the interests of other users are materially prejudiced or subsidence on a significant scale occurs as a direct result of ground water extraction which materially adversely affects private property or public lands.
- 7.5 Any remedial action under 7.3 must be to the satisfaction of the Chief Inspector and the responsible Minister under the *Water Act 1989* or delegate.

## **8. EROSION**

- 8.1 The licensee shall undertake all necessary works to ensure that the potential for erosion of land affected by mining is minimised.
- 8.2 Should erosion occur, the licensee shall take all practical steps to minimise the erosion to the satisfaction of an Inspector.

## **9. HYDROCARBONS**

- 9.1 Storage of hydrocarbons shall be undertaken in general accordance with AS 1940. Bunding or other methods to the satisfaction of an Inspector, capable of containing 125% of the maximum volume stored, shall be constructed around all fuel and lubricant storage facilities.
- 9.2 Any drainage from an area that may be subject to hydrocarbon spillage, such as a machinery maintenance area, shall be free from hydrocarbon contamination and directed to a sump or interceptor trap.

**10. DUST EMISSIONS**

- 10.1 Dust control measures must be in place to minimise dust generation so that detriment is not caused to surrounding areas and residents.
- 10.2 Dust resulting from all operations including extraction, loading, transport and stockpiling shall be controlled to the satisfaction of an Inspector. The licensee must install any dust control measures to the satisfaction of an Inspector.

**11. NOISE**

- 11.1 Precautions to the satisfaction of an Inspector shall be taken to ensure that noise emissions comply with the provisions of any regulations under the MRSD Act as they relate to noise exposure to workmen. Noise emissions measured at any residence within the vicinity of the licensed area shall comply with limits set using the procedures described in State Environment Protection Policy No. N1 (SEPPN-1) or any other limit set under the Environment Protection Act where SEPPN-1 is not applicable.
- 11.2 The mines are permitted to operate 24 hours per day, 7 days per week.

**12. PARKING AREAS**

- 12.1 Parking areas are to be provided within the licensed area for all vehicles used in connection with the operation, including private vehicles used by employees and visitors.

**13. DERELICT AND REDUNDANT PLANT**

- a. All derelict and redundant plant, vehicles, machinery and equipment shall be either:
- removed from the licensed area and deposited at an appropriate waste disposal site; or
  - properly stored/stockpiled on the licensed area in a location and manner approved by an Inspector.

**14. BUFFER ZONES AND VISUAL SCREENING**

- 14.1 No excavation shall take place within 20 metres of the licence boundary, except that this requirement shall not apply with respect to any common licence boundary with an adjacent mining licence.
- 14.2 Existing vegetation outside of the area subject to surface disturbance shall be preserved and maintained provided due regard is taken of fire protection arrangements.

14.3 The licensee shall supplement existing vegetation by additional planting to provide a screen for mining and allied operations as required by the rehabilitation plan and any additional plantings as required by an Inspector. The fire protection at the site shall be considered.

14.4 Unless otherwise approved by an Inspector, the licensee shall take precautions to ensure that no species inconsistent with the surrounding vegetation are introduced to the area.

## **15. PROGRESSIVE REHABILITATION**

15.1 Progressive reclamation will be conducted as per the rehabilitation plan. In addition, any further rehabilitation work will be carried out at the direction of an Inspector.

15.2 As and when directed by the Chief Inspector, despite any compensation agreements between the licensee and the owner of any private land in the licence, the licensee shall undertake progressive reclamation of land in the area subject to surface disturbance.

## **16. FINAL REHABILITATION**

16.1 Final reclamation will be in accordance with the rehabilitation plan and any additional requirements as directed by an Inspector.

16.2 Failure to complete works in accordance with the rehabilitation plan or in accordance with the directions of an Inspector, shall constitute grounds upon which the rehabilitation bond may be forfeited either in whole or in part in accordance with section 83 of the MRSD Act.

## **17. HERITAGE SITES**

17.1 Any significant historic sites or relics that are to be removed shall be accurately mapped and documented prior to the commencement of any mining or allied operations. Such documentation shall be made available to the relevant section of DELWP.

17.2 Tenure of this licence does not exempt the holder from the *Aboriginal Heritage Act 2006* (or any successor legislation):

Section 24(2) – “The person must report the discovery to the Secretary as soon as practicable unless, at the time of making the discovery, the person had reasonable cause to believe that the Register contained a record of the place or object; and

Section 27(1) – “A person is guilty of an offence if the person knowingly does an act that harms Aboriginal cultural heritage and at the time the act was done the person knew that the thing harmed was Aboriginal cultural heritage.”

## 18. BUILDINGS

- 18.1 No buildings shall be erected before any relevant building permits have been obtained.
- 18.2 All fixed plant and buildings shall be painted or surface treated in a colour to blend with the surroundings to the satisfaction of the Chief Inspector in consultation with the local municipality and in the case of Crown land, DELWP.

## 19. ROYALTY

- 19.1 Each mining company must pay to the Minister for payment to the Consolidated Fund in each financial year an amount equal to the prescribed amount in respect of each gigajoule unit of coal produced from its brown coal workings in the State and used or sold by the company in the last preceding financial year.
- 19.2 For the purposes of 19.1, a gigajoule unit of coal is a quantity of coal which, when mined, has a net wet specific energy content of 1 gigajoule.
- 19.3 The net wet specific energy content of coal produced by a company from its brown coal workings and used or sold by the company in a financial year shall be calculated in such manner and in accordance with such method of sampling as is agreed to by the Minister and the company or as is, in default of the agreement, determined by the Governor in Council.
- 19.4 For the purposes of 19.1, the prescribed amount shall be the amount derived by multiplying \$0.0239 by  $\frac{A}{B}$  where:
- A is the consumer price index number in respect of the relevant quarter; and
- B is the consumer price index in respect of the quarter ending on 30 June 1993.
- 19.5 The payment of the amount to the Minister under 19.1 shall be made in accordance with the Mineral Resources (Sustainable Development)(Mineral Industries) Regulations.
- 19.6 In this section -

**"consumer price index number"** means the all groups consumer price index number for Melbourne published by the Commonwealth Statistician in respect of the quarter ending on 30 June in each year or, if that statistic is no longer calculated, the nearest substitute for it;

**"relevant quarter"** means the quarter ending on 30 June immediately preceding the financial year in relation to which the prescribed amount is being calculated.

**20. REHABILITATION BOND**

- 20.1 The licensee shall lodge with DEDJTR a rehabilitation bond as described in section 80(1) of the MRSD Act when required in accordance with these conditions. The bond must be lodged in the form of a bank guarantee issued by a bank licensed under the *Banking Act 1959* (Cth).
- 20.2 The licensee shall be required to lodge that bond upon the licensee ceasing to be a State Owned Corporation and upon being directed to do so by the Minister for Agriculture and Resources.
- 20.3 The level of this bond has initially been assessed at \$15 million.

**21. APPLICATION OF REGULATIONS**

- 21.1 The Mineral Resources (Sustainable Development)(Mineral Industries) Regulations 2013 apply to the licensee.
- 21.2 Any subsequent Regulations issued under the MRSD Act will also apply.

**22. GOVERNING LAW AND JURISDICTION**

- 22.1 The Licensees must submit to the laws of the State of Victoria and the non-exclusive jurisdiction of the courts of the State of Victoria in respect of all matters in respect of or incidental to this licence or conduct authorised under this licence.